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10/613,146

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Joel Ovil

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EXAMINER

SPOONER, LAMONT M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/613,146	Applicant(s) OVIL ET AL.	
	Examiner LAMONT M. SPOONER	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 39-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 39-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The current office action is in response to applicant's amendment to the claims filed 3/30/09. Claims 1-27 and 39-53 are currently pending and have been examined.

Response to Arguments

2. Applicant's arguments, see remarks, filed 2/16/09, with respect to the 35 USC 101 rejections of claims 1 and 39 have been fully considered and are persuasive.

Therefore, the 35 USC 101 rejections have been withdrawn.

3. Applicant's arguments filed 2/16/09, regarding the 35 USC 103 rejection of claims 1-27, 39-41 and 43-47 have been fully considered but they are not persuasive.

Applicant's arguments, see remarks, filed 2/16/09, with respect to the rejection(s) of claim(s) 1-27, 39-41 and 43-47 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Volcani et al. (Volcani, US 2003/0212655) in view of Carlgren et al. (Cargren, US 4,456,973) and further in view of Livowsky (US 6,594,657).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1- 27, 39-41 and 43-47 are rejected 35 U.S.C. 103(a) as being unpatentable over Volcani et al.(Volcani, US 2003/0212655) in view of Carlgren et al. (Carlgren, US 4,456,973) and further in view of Livowsky (US 6,594,657).

Volcani, Carlgren and Livowsky are analogous art in that they each incorporate the enhancement of text entered by a user.

As per **claims 1, 14, and 27**, Volcani teaches a method for language enhancement, comprising: receiving over a data network data representing text from a user (p.5 para. 0059-his text entry, Fig. 2-as his data network);

computationally identifying grammatical constructs within the text (p.8.para.0090-inherent to determining noun, verb, replacements or grouping); and

computationally enhancing the text by determining at least one alternate text portion based on a profile for at least one original portion of the text (Fig. 6-advantages, benefits, qualities, paragraph [0078, 0082]-as his dynamic profile resulting in alternate text, author selected types as a profile), the alternate text portion being consistent with the grammatical constructs of the original portion and having substantially the same meaning as the original portion but conveying a different impression (p.8.para.0090-noun/verb, etc. correspondence, Fig. 11-item 140-his alternate text portions, as grammatically consistent , Fig. 6-his ranking spectrum as the different impression).

Volcani lacks explicitly teaching the profile as a user specific profile, and wherein the user specific profile is based on writing provided by the user. However, Carlgren teaches the profile as a user specific profile, and wherein the user specific profile is based on a user (C.1 lines 30-45-his "grade level" as a user specific profile, i.e. a 6th

grade specific profile indicating specific vocabulary, C.3 lines 57-63-his testing of the students).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Volcani's word frequency and word determination based on a frequency (see [0053]) with user specific profile based on the user, providing the benefit of generating a particular style of writing with a similar user specific style (Carlgren, abstract-his grade level substitution) wherein other's attempting to understand and read his document at the particular grade level would have a better understanding, and having the option to improve the writing based on the a user profile.

Volcani and Carlgren lack wherein the user specific profile is based on the writing by the user. However, Livowsky teaches user specific profile based on writing by the user (C.2 lines 35-47-his user query, in natural language, C.5 lines 26-44-his user created file, as his user profile, indicated specific user unique writing style).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify the combination of Carlgren with Volcani's word frequency and word determination based on a frequency (see Volcani, paragraph [0053]) with Livowsky's user specific profile based on writing provided by the user, providing the benefit of generating a particular style of writing with a similar user specific style (Livowsky, C.5 lines 40-44-his automatically learned style from the user, to generate synonyms).

As per **claims 2 and 15**, Volcani, Carlgren and Livowsky make obvious the method of claim 1, Volcani further teaches wherein the alternate text portion, when

substituted for the original portion generates grammatically correct text (p.8.para.0096, Fig. 11-“Which is why the hate crimes Bill earns careful thought like all laws do...”-as grammatically correct).

As per **claims 3 and 16**, Volcani, Carlgren and Livowsky make obvious the method of claim 1, Volcani further teaches wherein the alternate text portion includes at least one adjective for a noun from the original portion (Fig. 9, spotless, for “clean as a whistle”).

As per **claims 4 and 17**, Volcani, Carlgren and Livowsky make obvious the method of claim 1. Volcani further teaches wherein the alternate text portion includes at least one synonym for an idiom from the original portion (Fig. 9, spotless, for “clean as a whistle”).

As per **claims 5 and 18**, Volcani, Carlgren and Livowsky make obvious the method of claim 1. Volcani further teaches wherein the alternate text portion includes at least one idiom for the original portion (Fig. 5 “clean as a whistle” for “spotless”, p.9.para 0100).

As per **claims 6 and 19**, Volcani, Carlgren and Livowsky make obvious the method of claim 1, Volcani further teaches wherein the alternate text portion includes at least one adverb for a verb from the original portion (Fig. 8, “Frequently” for “Once in a blue moon”).

As per **claims 7 and 20**, Volcani, Carlgren and Livowsky make obvious the method of claim 1. Volcani further teaches wherein the original portion of text is a single word (Fig. 1, consideration/thought, p.10.para.0116).

As per **claims 8 and 21**, Volcani, Carlgren and Livowsky make obvious the method of claim 1. Volcani further teaches wherein the original portion of text is a clause (Fig. 8, "clean as a whistle", Fig. 9).

As per **claims 9 and 22**, Volcani, Carlgren and Livowsky make obvious the method of claim 1. Volcani further teaches wherein the original portion of text is an idiom (ibid).

As per **claims 10 and 23**, Volcani, Carlgren and Livowsky make obvious the method of claim 1. Volcani further teaches wherein the alternate text portion is compliant with a selected predefined profile (Fig. 9 item 137, his reading level as the predefined profile).

As per **claims 11-13, and 24-26**, Volcani, Carlgren and Livowsky make obvious claim 10, but the combination lack explicitly teaching the selected predefined profile is legal, scientific, and medical. However, the Examiner takes Official Notice that different profiles of documents were well known in the art at the time of the invention. Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify the combination of Kurzweil with Volcani's style with a dynamic profile catering to the users document, providing the benefit of catering to the users style of word usage.

As per **claim 39**, Volcani teaches a web service comprising (p.5.para.0067): receiving over a data network data representing a request including one or more sentences of natural language text (Fig. 2-as his network);

algorithmically deriving at least one suggestion for enhancing the one or more sentences based on a profile (see claim 1 dynamic profile discussion), the at least one suggestion conveying a different impression but retaining substantially the same meaning (see claim 1); and

returning a response including the at least one suggestion (Fig. 2, see claim 1, Fig. 6-item 140-as his response), wherein returning a response includes transmitting data over a network, which data may be rendered by a client application to show text indicative of the response (ibid, Fig. 2 item 200-his data network).

Volcani lacks explicitly teaching the profile as a user specific profile, and wherein the user specific profile is based on writing provided by the user. However, Carlgren teaches the profile as a user specific profile, and wherein the user specific profile is based on a user (C.1 lines 30-45-his “grade level” as a user specific profile, i.e. a 6th grade specific profile indicating specific vocabulary, C.3 lines 57-63-his testing of the students).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Volcani’s word frequency and word determination based on a frequency (see [0053]) with user specific profile based on the user, providing the benefit of generating a particular style of writing with a similar user specific style (Carlgren, abstract-his grade level substitution) wherein other’s attempting to understand and read his document at the particular grade level would have a better understanding, and having the option to improve the writing based on the a user profile.

Volcani and Carlgren lack wherein the user specific profile is based on the writing by the user.

However, Livowsky teaches user specific profile based on writing by the user (C.2 lines 35-47-his user query, in natural language, C.5 lines 26-44-his user created file, as his user profile, indicated specific user unique writing style).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify the combination of Carlgren with Volcani's word frequency and word determination based on a frequency (see Volcani, paragraph [0053]) with Livowsky's user specific profile based on writing provided by the user, providing the benefit of generating a particular style of writing with a similar user specific style (Livowsky, C.5 lines 40-44-his automatically learned style from the user, to generate synonyms).

As per **claim 40**, Volcani, Carlgren and Livowsky make obvious the web service of claim 39. Volcani further teaches wherein the at least one suggestion is encoded using a first parameter to designate a word position within a sentence, a second parameter to designated an action, a third parameter to designate a priority, and a fourth parameter to designate at least one word (Fig. 6, encoding inherent to replacing the correct word in the correct location, the action "replace", "merit" as his designated word, ranking level as priority, p.2.para.0013).

As per **claim 41**, Volcani, Carlgren and Livowsky make obvious the web service of claim 40, and Volcani further teaches possible action of replace, but lacks wherein possible actions include, delete, insert, before and insert after. However the Examiner

notes (now as admitted prior art, see previous rejection) that deletion, insert after, insert before were well known in the art at the time of the invention (word processing, document editing). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify the combination of Kurzweil with Volcani's replace feature to include delete, insert after, insert before, providing the benefit of allowing the user to place/delete a word in a user desired location.

As per **claim 43**, Volcani, Carlgren and Livowsky make obvious the web service of claim 40. Volcani further teaches wherein the fourth parameter is a reference to at least one word residing within a dictionary of words (see claim 1, Fig. 2 item 234).

As per **claim 44**, Volcani, Carlgren and Livowsky make obvious the web service of claim 43. Volcani further teaches wherein the dictionary of words resides in a dictionary serve computer (ibid).

As per **claim 45**, Volcani, Carlgren and Livowsky make obvious the web service of claim 39. Volcani further teaches wherein the at least one suggestion is ranked according to a usage frequency (p.2.para 0013).

As per **claim 46**, Volcani, Carlgren and Livowsky make obvious the web service of claim 39. Volcani further teaches wherein possible suggestions include replacement of a key word within a sentence with an idiom (Fig. 8, "spotless" and "clean as a whistle", see claim 5).

As per **claim 47**, Volcani, Carlgren and Livowsky make obvious the web service of claim 46. Volcani further teaches wherein the idiom has a similar meaning as the key word (ibid, synonyms).

6. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani in view of Carlgren and further in view of Livowsky, as applied to claim 40 above, and further in view of Pickover et al.(US 2003/0130898).

Volcani and Pickover are analogous art in that they involve web services.

As per **claim 42**, Volcani, Carlgren and Livowsky make obvious the web service of claim 40, the combination lacks teaching wherein possible priorities include must, recommended and optional. However, Pickover teaches having possible priorities including must, recommended and optional (p.5.para.65). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify the combination of Carlgren, Livowsky with Volcani's action with the priority of an web service action, providing the benefit of a desirability attribute associated with an action.

7. Claim 48-52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani in view of Carlgren and further in view of Livowsky, as applied to claim 46 above, and further in view of Kinder (US 2003/0212541).

As per **claims 48-52**, Volcani, Carlgren and Livowsky lack explicitly teaching, modification of text associated with the keyword includes deletion of an adverb preceding the key word, deletion of an adjective preceding the key word, deletion of a preposition preceding the key word, deletion of a verb preceding the key word. However, Kinder teaches these lacking limitations (Fig. 14-Fig 17, Fig. 23). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify the combination of Carlgren and Livowsky with Volcani's enhancement of text

with modification of text associated with the key word, providing the benefit of enhancing readability.

8. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volcani in view of Carlgren and further in view of Livowsky, as applied to claim 46 above, and further in view of Anderson (US 5,678,053).

As per **claim 53**, Volcani, Carlgren and Livowsky make obvious the web service of claim 46, but the combination lacks wherein possible suggestions include insertion of a connecting verb before the idiom. However, Anderson teaches wherein possible suggestions include insertion... (Fig. 5). Therefore it would have been obvious, at the time of the invention, to one ordinarily skilled in the art to modify Carlgren and Livowsky with Volcani's enhanced sentence with suggesting adding of a connecting verb, providing the benefit of a grammatically correct output.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAMONT M. SPOONER whose telephone number is (571)272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-78433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

lms
7/2/09